

CLERK'S OFFICE U.S. DISTRICT COURT AT
ROANOKE, VA

FILED

10/15/2024

LAURAA AUSTIN, CLERK

BY: *s/c* *Asmp*
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA)	Criminal Action No. 5:23-cr-00006-001
)	
v.)	<u>ORDER</u>
)	
HECTOR MANUEL ESPINOSA, <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

This case is before the court on the Government's motion to continue trial. (ECF No. 172.) On October 15, 2024, the Government alerted the court and defense counsel to late-breaking discovery that surfaced on the eve of trial and moved to continue the trial, which was scheduled to begin the next day. That afternoon, the court held a status conference to hear the parties' positions on the Government's motion. (ECF No. 169.) Defendant Hector Manuel Espinosa, who was represented by counsel but who waived his right to appear in person, *see* Fed. R. Crim. P. 43; (ECF No. 171), took no position on the Government's requested continuance.

For the reasons stated on the record at the status conference, the court finds that the ends of justice served by granting the continuance outweigh the best interest of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7) ("Speedy Trial Act"). The court makes this finding because a failure to grant such a continuance would deny counsel for the Defendant and the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. In particular, the Government must have sufficient time to obtain and review the additional information that has surfaced

and, if relevant, disclose that information to defense counsel. Defense counsel must also have time to review the new information after any such disclosure is made by the Government.¹

Accordingly, the Government's motion to continue trial (ECF No. 172) is **GRANTED** and the trial is **CONTINUED** until November 18, 2024. The time period from October 17, 2024, until November 18, 2024, shall be excluded from the calculation of time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7).

The Clerk is directed to forward a copy of this Order to all counsel of record.

ENTERED this 15th day of October, 2024.

/s/Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE

¹ This ruling does not foreclose any other remedial measures at Defendant's disposal, should they be proper.